

Message Text

UNCLASSIFIED

PAGE 01 STATE 183727
ORIGIN EB-08

INFO OCT-01 AF-10 ISO-00 CIAE-00 COME-00 DODE-00
DOTE-00 FMC-02 INR-10 NSAE-00 CG-00 DLOS-09
OES-09 L-03 /052 R

DRAFTED BY EB/TRA/ MA: R E JOHE:LY
APPROVED BY EB/TRA/ MA: C TAYLOR JR
MARAD - R.BOURDON (INFO)
AF/W - R.KOTT

-----123929 202020Z /21

P 201846Z JUL 78
FM SECSTATE WASHDC
TO AMEMBASSY LAGOS PRIORITY

UNCLAS STATE 183727

E.O. 11652: N/A

TAGS: EWWT, NI

SUBJECT: STRICTER REGULATIONS FOR PORT USE

REF: STATE 163694

1. DECREE 9 NOTED REFTEL CONTINUES TO DRAW GREAT INTEREST AND ANXIETY FROM U.S. CARRIERS. DELTA LINE PRESIDENT, J. CLARK, WHO HAS BEEN SILENT TO DATE ON THIS MATTER AND WHO HAS NOT YET SUPPLIED DATA RELATED TO PARA 1, REFTEL, IS ON THE VERGE OF PROTESTING DECREE IN LETTERS TO SECRETARY VANCE AND/OR ASSISTANT SECRETARY MOOSE. MEETING HAS BEEN SCHEDULED IN EB/MA FOR MORNING OF JULY 25, WITH FARRELL LINES VP AND, HOPEFULLY, DELTA LINES REPRESENTATIVES. PURPOSE IS TO REVIEW THE PROBLEM AND PERSUADE THEM THAT DEPARTMENT'S EFFORTS TO RESOLVE THE PROBLEM WILL NOT BE MATERIALLY ASSISTED BY FURTHER INTERVENTION BY CARRIERS AT THIS STAGE.

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 183727

2. IN A FURTHER DEVELOPMENT REGARDING DECREE 9, J. CUNNINGHAM, CHAIRMAN, AWAF, SENT TELEX ON JULY 10 TO MR. C.O. IBIE, PERMANENT SECRETARY, MINISTRY OF TRANSPORTATION, LAGOS, COPIES TO MR. HARRY CAHILL, U. S. EMBASSY, LAGOS, AND MR. R. K. BANK, EB/TRA/MA. TELEX REPORTED HEREIN IN FULL:

"QUOTE: WE HAVE RECEIVED A COPY OF A NOTICE PUBLISHED
IN OFFICIAL GAZETTE 24 OF MAY 25, 1978, READING IN PART
AS FOLLOWS:

'QUOTE: 1. SECTION 5 OF THE MERCHANT SHIPPING ACT 1962
IS HEREBY AMENDED AS FOLLOWS: (A) IMMEDIATELY AFTER
SUBSECTION (1) (C) THEREOF THERE SHALL BE INSERTED A
PROVISO AS FOLLOWS THAT IS PROVIDED THAT NO SHIP OTHER
THAN A NIGERIAN SHIP SHALL TRADE IN OR FROM THE WATERS
OF NIGERIA UNLESS NOT MORE THAN FIFTEEN YEARS HAVE
ELAPSED SINCE THE DATE OF THE FIRST REGISTRATION OF SUCH
SHIP.

THIS NOTICE FURTHER PROVIDES: QUOTE

2. THIS DECREE MAY BE CITED AS THE MERCHANT SHIPPING
(AMENDMENT) DECREE 1978 AND SHALL COME INTO FORCE NINETY
DAYS AFTER THE DATE OF ITS MAKING. MADE AT LAGOS THIS
15TH DAY OF MAY 1978.

MEMBER LINES OF THE AMERICAN WEST AFRICAN FREIGHT
CONFERENCE RECOGNIZE THE NEED FOR THE GENERAL APPLICATION
AND ENFORCEMENT OF THE MERCHANT SHIPPING (AMENDMENT)
DECREE 1978 BUT FIND THAT THE TIME (90 DAYS) ALLOWED TO
MEASURE THE EFFECT OF THE DECREE UPON THE VESSELS
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 183727

EMPLOYED BY THEM IN THE U.S. NIGERIAN TRADE IS TOO
LIMITED. ALREADY NEARLY ONE HALF OF THAT TIME UNTIL
THE DECREE BECOMES EFFECTIVE HAS ALREADY TOLLED. THE
ROUND TRIP VOYAGES OF OUR VESSELS ARE BETWEEN 90 TO 120
DAYS, AND IT IS THUS LIKELY VESSELS OF OUR MEMBER LINES
OF MORE THAN 15 YEARS REGISTRATION WILL INEVITABLY BE
IN NIGERIA ON THE EFFECTIVE DATE OF THE DECREE. IT
IS IMPOSSIBLE TO REPLACE IN OUR U.S. NIGERIAN SERVICE
VESSELS WHICH MAY BE OF REGISTRATION OF 15 YEARS OR
MORE WITHIN THE 90 DAYS PRESCRIBED IN THE DECREE. ALSO,
FURTHER TIME IS NEEDED TO PROGRAM, PROCURE AND PLACE IN
SERVICE VESSELS THAT MAY BE REQUIRED TO REPLACE VESSELS
OF 15 YEARS OR OLDER REGISTRATION AND TO PROPOSE
CONSTRUCTIVE AMENDMENTS TO THE DECREE.

FOR THE FOREGOING REASONS OUR MEMBER LINES RESPECTFULLY
REQUEST THAT THE DECREE NOT BE APPLICABLE TO VESSELS OF
THIS CONFERENCE UNTIL JANUARY 1, 1979. OUR LINES WILL
IMMEDIATELY AND WILL CONTINUE TO PARTICULARLY SURVEY
AND INTENSIFY THE MAINTENANCE OF THEIR VESSELS OF 15
YEARS OR GREATER REGISTRATION SO THAT SUCH VESSELS MAY
BE OPERATED IN NIGERIAN WATERS FREE OF BREAKDOWN OR

OTHER OPERATIONAL COMPLICATIONS AND DELAYS.

WE FURTHER REQUEST THE PRIVILEGE OF SUBMITTING TO YOU IN THE NEAR FUTURE CONSTRUCTIVE AMENDMENTS OF THE DECREE WHICH OUR STUDY OF OTHER SHIPPING AREAS, NOTABLY THE PERSIAN GULF, MAY BE OF VALUE TO THE MINISTRY OF TRANSPORTATION AND TO THE OPERATORS OF OCEAN GOING VESSELS CALLING AT NIGERIAN PORTS.

WE SHOULD APPRECIATE YOUR EARLY REPLY TO THIS COMMUNICATION SO THAT OUR LINES MAY BE PUT IN THE NECESSARY PLANNING AND OPERATIONAL POSITION TO SATISFY THE REQUIREMENTS OF THE DECREE.

UNCLASSIFIED

UNCLASSIFIED

PAGE 04 STATE 183727

WE ENJOYED MEETING YOU IN NEW YORK AND TRUST THAT YOUR VISIT TO THE UNITED STATES WILL NOT BE UNDULY DELAYED. KIND REGARDS.'

UNQUOTE

WE SHALL BE MOST GRATEFUL FOR YOUR ASSISTANCE IN THIS MATTER.

JOHN K. CUNNINGHAM, CHAIRMAN, AMWESAFK NYK, TELEX NO. 14 140"

3. DOMINICK MANFREDI, OF AWAFC, TELEPHONED EB/MA JULY 18 AND REPORTED THRUST OF ABOVE TELEX, PARTICULARLY POSTPONEMENT REQUEST UNTIL JANUARY 1, 1979. MA COUNTERED THAT POSTPONEMENT WAS NO SOLUTION SUCH AS WE HAD PROPOSED IN PARA 4 REFTTEL, I.E., REVOKE DECREE OR MODIFY ALONG SAUDI-ARABIAN MODEL. IN ADDITION, ALTHOUGH DEPARTMENT HAS NOT RAISED THIS ASPECT WITH AWAFC, PARA 1 OF TELEX PROVIDES THAT "NO SHIP OTHER THAN NIGERIAN....". WE CONSIDER THIS DISCRIMINATORY AND FURTHER AMMUNITION FOR EMBASSY INTERVENTION. DISCRIMINATORY NATURE OF DECREE COULD PROVIDE BASIS FOR U.S. LINES TO RESORT TO LEGAL REMEDIES AVAILABLE UNDER U.S. LAW, WHICH COULD RESULT IN RETALIATORY MEASURES AFFECTING NIGERIAN VESSELS CALLING AT U.S. PORTS.

4. IN DISCUSSION WITH FARRELL WASHINGTON REP, JULY 19 RE AWAFC TELEX, FARRELL COULD UNDERSTAND IN PART WHY CONFERENCE WOULD OPT FOR POSTPONEMENT. THE REASON BEING THAT OF THE 22 CARRIERS, WHICH ARE MOSTLY EUROPEAN, IN THE AWAFC, POSSIBLY FARRELL HAS THE ONLY VESSELS 15 YEARS OR OLDER THAT COULD ENTER NIGERIAN TRADE. IN ANY EVENT, UNCLASSIFIED

UNCLASSIFIED

PAGE 05 STATE 183727

FARRELL'S, AND POTENTIALLY, DELTA'S PROTEST STILL WOULD WANT THE DECREE REVOKED OR MODIFIED ALONG SAUDI-ARABIAN LINES.

5. WITH THIS NEW TURN OF EVENTS (AWAFC INTERVENTION AND DELTA'S NEWFOUND INTEREST), DEPARTMENT STILL SUPPORTS APPROACH NOTED PARA 4 REFTEL. POSTPONEMENT, WHILE IT MAY SERVE TEMPORARILY TO LOWER THE PROBLEM'S VISIBILITY, WOULD NOT SATISFY FARRELL OR ANY U.S. CARRIER WHO AS NOTED PARA 1 REFTEL DO NOT AS A POLICY WANT FLEXIBILITY TO DEPLOY VESSELS IMPAIRED.

6. ACTION REQUESTED: SINCE NIGERIAN NOTICE WILL COME INTO FORCE AUGUST 15, REQUEST EMBASSY CABLE AT EARLIEST RESULTS OF REPRESENTATIONS TO NIGERIAN OFFICIALS. CHRISTOPHER

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 jul 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE183727
Document Source: CORE
Document Unique ID: 00
Drafter: R E JOHE:LY
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780298-1018
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780737/aaaabezy.tel
Line Count: 190
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 0958a66f-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 STATE 163694
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1936711
Secure: OPEN
Status: NATIVE
Subject: STRICTER REGULATIONS FOR PORT USE
TAGS: EWWT, NI
To: LAGOS
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/0958a66f-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014